APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,880	12/30/1999	JAMES R. ALTENDAHL	E-911	7003

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EXAMINER
VIG, NARESH

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 May 2003_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 – 2 and 4 – 9_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1 – 2 and 4 – 9_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _9_ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

This is in reference to response received on 27 May 2003 to the office action

mailed on 25 February 2003. Amendment to claims 1, 4 and 9, and cancellation of claim

3 is acknowledged. There are 8 claims, claims 1 – 2 and 4 – 9 pending for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 2 and 4 – 9 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nicholls et al. U.S. Patent 5,631,827 hereinafter known as Nicholls in

view of Roberts et al. US Patent 6,401,078 in further view of Soga et al. U.S. Patent

6,304,856 hereinafter known as Soga.

Regarding claims 1, 4 – 6 and 9, Nicholls discloses a logistics system which is

adaptable to a wide variety of different organizations. The system is suitable for

deployment on a single, standalone computer or on a computerized network comprising

many computers. Nicholls discloses that among the advantages of the present system

are reduction in freight costs; convenient order tracking to facilitate warranty, lot and

serial number tracking; readily customizable system adapted to shipping operation; etc.

Nichols system includes, user interface for collecting input information from a user about

a desired operation and for providing output information (col. 1, lines 45 – 59).

Rate servers have database means for maintaining a record of the rates

applicable to a given carriers and further having an embedded set of predefined

methods representing the rate computation rules of said carriers (col. 27, lines 39 – 43).

Nicholls provides reports using a third party report generator program (Table 1).

Also, Nicholls discloses that the shipments client accepts user input for the

routing, rating and documentation of a group of packages comprising a shipment.

Multiple shipper accounts are allowed and the desired account may by selected from

the Shipper "drop-box." Similarly, the service is selected from the Service box.

Alternatively, the service may be set to best way and the system will choose the least

cost carrier which meets the transit time requirements indicated in the commitment field

(col. 7, lines 49 – 57).

In addition, Nicholls discloses that its " rate servers encode the knowledge

required to answer questions such as how to calculate shipment rates or how to band

shipments. Thus, rate servers provide the knowledge regarding a specific carrier's

requirements. Typically, rate servers are provided with specific details regarding a given

shipment's weight or the required delivery date by a client application." (col. 5, lines 34 –

47)

Nicholls does not disclose load planning. Roberts teaches that the goal of proper load planning is to deliver the freight on time with the delivery truck leaving the terminal with a full load. Many of the partially loaded trucks could have been fully loaded had the load planner known about unscheduled. This movement of freight as partial also results in decreased efficiency, increased costs and reduced profits for the trucking company (col. 2, lines 1 – 17). Roberts teaches that the load planning data is sent to a load planner or to load planning software and the billing data is sent to the billing clerk or accounting/billing software application. With this information in the computer system load planning can be accomplished, so that when the truck driver returns to the terminal the load planning is completed. Having the load planning accomplished prior to the freight's arrival, reduces the freight turn-around time and freight handling. Additionally, fewer delivery trucks will depart with partial loads. Consequently, the trucking company would be able to move the same amount of freight at a lower cost (col. 2, line 65 – col. 3, line 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide load planning data to the load planner to schedule the loading of truck in an efficient manner to increase profits.

Nicholls does not disclose to generate acceptable routes. Soga teaches to retrieve a transport route pattern by using the departure store name and arrival store name as the key to determine transport route base stations. In the transport route pattern, transport route base stations are registered at intersection points of a matrix of departure store and arrival store. (For example, if the departure store is "Sapporo nishiten" and the arrival store is "Fukuoka higashiten", then an entry will determine that

the transport route is Sapporo nishiten--Chitose Kuhkohten--Fukuoka kuhkohten--

Fukuoka higashiten.), (col. 19, lines 32 – 55) Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to create routes in

Nicholls at al. to cut down the shipping expenses and to have efficient delivery for

customers.

When a business (manufacturer) ships products to its customers, it is known to

one with ordinary skill in the art that shipments are made as agreed upon in the

agreement with the customer. For example, a customer may instruct the manufacturer

to packages via UPS up to certain dimension or weight (e.g. UPS has package weight

limit), and, use alternate carrier like Emery for other packages, some carrier may elect

to use specific carriers for their shipment because they have special arrangement with

that carrier etc. (e.g. IBM used RPS returned merchandise). The shipping department

personnel arranges for shipment with the appropriate carrier to meet customer

requirements. A may elect to automate this manual process. Nicholls does not disclose

load planning. Roberts teaches that the load planning data is sent to a load planner or

to load planning software (router) and the billing data is sent to the billing clerk or

accounting/billing software application. With this information in the computer system

load planning can be accomplished, so that when the truck driver returns to the terminal

the load planning is completed. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide load planning data

to the load planner to schedule the loading of truck in an efficient manner to increase

profits.

Regarding claim 2, Nichols discloses that "various transportation logistics tasks, such as order processing, order fulfillment, transportation of goods and tracking, are assigned to individual client/server objects which make up the building blocks of the computerized, logistics management system." (abstract)

Regarding claims 7 Nicholls discloses that the shipments client accepts user input for the routing, rating and documentation of a group of packages comprising a shipment. Multiple shipper accounts are allowed and the desired account may by selected from the Shipper "drop-box." Similarly, the service is selected from the Service box. Alternatively, the service may be set to best way and the system will choose the least cost carrier which meets the transit time requirements indicated in the commitment field (col. 7, lines 49 – 57). Nicholls does not disclose apportionment of the costs for each of the consolidation. However, Nicholls discloses means for maintaining a record of the rates applicable to a given carriers and further having an embedded set of predefined methods representing the rate computation rules of said carriers (col. 27, lines 39 – 43). Also, It is known at the time of invention to a person with ordinary skill in the art that carriers and freight consolidators charge shipping rates to their customers based upon shipping criteria like weight, volume, type of carton etc, Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to calculate shipping charges based on the carriers/consolidators requirements to

maintain their profit margins (for example, a customer shipping metal bars may be

charged shipping charges based upon weight, whereas, a customer shipping furniture

may be charged shipping charge based upon volume, applicant can check with a cargo

freightliner to get their rates for shipping cargo on a ship).

Regarding claim 8, Nicholls does not discloses consolidation. Roberts teaches

that nor Soga teaches to decide for consolidation of shipment. However, The freight is

sorted and consolidated into truck loads at the terminal to minimize the empty space on

the truck that will transport the freight from the local terminal to either a local delivery or

a distribution terminal in another city or state (col. 1, lines 40 – 44). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to consolidate packages to minimize empty truck space and increase profits. Neither

Nicholls nor Roberts teaches to decide whether to consolidate based upon some other

criteria other than filling the truck. However, it is known at the time of invention to a

person with ordinary skill in the art the a load planner is entrusted by a business to

manage costs. In addition, certain items (e.g. IBM Mainframe Computer) require climate

control environment for shipping (costs more that the regular shipping method). In the

cases, where the package requires special handling, load planner may decide to ship

the special handling package in a seperate shipment instead of making the whole

shipment as a special handling shipment and to decrease cost. In 1993, examiner was

involved in moving IBM office from Gaithersburg, MD to Falls Church, VA where the

shipment of computers required special handling, and, were shipped in a separate

truck. Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to decide the contents of the consolidation to ensure that the

shipping method meets the package shipment requirements.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Naresh Vig whose telephone number is 703.305.3372.

The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for

the organization where this application or proceeding is assigned are 703.305.7687 for

regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is

703.305.3900.

Naresh Vig
August 1, 2003

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600